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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,471	06/29/2001	Scott R. Shell	50037.25US01	6530
27488	7590	01/05/2006	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			HOM, SHICK C	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			2666	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/895,471	Applicant(s) SHELL ET AL.	
	Examiner Shick C. Hom	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19,22,23 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,22,23 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 19, 22-23, 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The disclosure is objected to because of the following informalities: in page 5 line 11 delete typo "The may" and insert ---There may---. Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weghorst et al. (6,775,559).

Regarding claim 33:

Weghorst et al. disclose a computer-readable medium having a data structure stored thereon (see col. 1 lines 45-56 which recite the use of software and computer program clearly anticipate the computer-readable medium), the data structure comprising: a field configured to identify the data structure as a provisioning document wherein the data structure is returned

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to a configuration initiator upon completion of a provisioning transaction; and a field configured to maintain a declaration that a particular setting has an identified value, the particular setting being stored on a mobile device (see col. 2 lines 28-59 which recite sending configuration data and message containing configuration data being set in the mobile station which is unambiguously identified in accordance with a defined form for enabling remote configuration of the communication terminal device clearly reads on the data structure identified as a provisioning including field configured to maintain declaration that a particular setting has an identified value, the particular setting being stored on a mobile device as claimed; further col. 4 lines 11-22 which recite means for retrieving the status of the current setting of the device clearly reads on the data structure being returned to the configuration initiator), the identified value being provided by a configuration component in response to a query statement identifying the particular setting (see col. 2 lines 63-67 which recite the modification of the configuration only upon checking the identity and reception of an acknowledgment clearly reads on providing the configuration component in response to a query statement as claimed).

Weghorst et al. disclose all the subject matter of the claimed invention with the exception of wherein the data structure comprises fields being of a header field and of a setting field as recited in claim 33. Examiner takes official notice that the well-known data structure such as a packet used in mobile communication comprises of a header field and a payload or setting field. Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide data structure comprising fields being of a header field and of a setting field in the computer-readable medium of Weghorst et al. The data structure comprising fields being of a header field and of a setting field can be implemented by using packet format data structure in the data format of Weghorst et al. The motivation for using packet format data structure in the medium of Weghorst et al. being that it provides more efficiency for the system since the system uses well known standard data structure format for carrying data.

7. Claims 19, 22, 23, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weghorst et al. (6,775,559) in view of Grieshaber et al. (6,598,106) and Zhang (2001/0049263).

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Regarding claims 22, 23, 34, 35:

Weghorst et al. disclose a mobile device including a computer-readable medium having computer-executable instructions (see col. 1 lines 46-56 which recite the use of software and computer program in a mobile radio network) for performing steps, including: receiving a configuration message including a payload of settings stored on the mobile device (see col. 4 lines 6-43 which recite the mobile telephone device receiving messages identified as configuration message including payload data serviced by the center for settings stored on the SIM card); passing the payload to a configuration component responsible for maintaining the settings; modifying, by the configuration component, the settings stored on the mobile device so that they reflect the values identified in the payload (see col. 3 lines 24-37 which recite means for storing configuration settings; means for modifying the configuration data; and means for transmitting and receiving message containing new configuration setting); and returning a response document to an initiator of the configuration message (see col. 4 lines 11-22 which recite means for retrieving the status of the current setting of the device from the center) as in claims 19, 22, 34, 35.

For claims 22, 23, 34, 35, Weghorst et al. disclose all the subject matter of the claimed invention with the exception of wherein the received configuration message having at least one declaration statement that declares the payload having a new state and wherein the response document including the at least one declaration statement associated with the configuration message as in claims 34, 35; the steps of parsing the configuration message to identify settings stored on the mobile device, parsing the payload to the component, and identifying which configuration component is responsible for maintaining the settings as in claims 34, 35; and wherein the response document indicates that an error occurred while attempting to modify the values for the settings as in claim 23.

Grieshaber et al. from the same or similar fields of endeavor teach that it is known to provide wherein the received configuration message having at least one declaration statement that declares the payload having a new state and wherein the response document including the at least one declaration statement associated with the configuration message (see col. 8 lines 11-25 which recite receiving the state signal indicating that a state change has occurred and the reply which include a declaration specifying the new state) as in claims 34, 35.

Zhang from the same or similar fields of endeavor teach that it

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is known to provide the step of parsing the configuration message to identify the settings stored on the mobile device and identifying which configuration component is responsible for maintaining the settings and wherein the indication of the status of the settings indicates that an error occurred while attempting to modify the values for the settings (see paragraphs 0026 and 0044 which recite the configuration setting data being provided to each mobile station upon analysis of the performance and error data at the service center clearly reads on the step of parsing configuration message; identifying configuration for maintaining settings; and indication of an error).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein the received configuration message having at least one declaration statement that declares the payload having a new state and wherein the response document including the at least one declaration statement associated with the configuration message, the step of parsing the configuration message to identify the settings stored on the mobile device and identifying which configuration component is responsible for maintaining the settings as taught by Grieshaber et al. and Zhang et al. in the mobile device of Weghorst et al. The received configuration message having at least one declaration

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statement that declares the payload having a new state and wherein the response document including the at least one declaration statement associated with the configuration message of Grieshaber et al. and the steps of parsing the configuration message to identify the settings stored on the mobile device and identifying which configuration component is responsible for maintaining the settings of Zhang can be implemented by including declaration statement including the new state of Grieshaber et al. and the step of parsing and identifying component of Zhang into the software program and message format for setting configuring of Weghorst et al. The motivation for using the declaration statement including the new state and steps of parsing the configuration message to identify the settings stored on the mobile device and identifying which configuration component is responsible for maintaining the settings as taught by Grieshaber et al. and Zhang in the mobile device of Weghorst et al. being that they provide more complete control of communication channels and improved automatic mobile station system performance monitoring and error reporting to allow for tracking of performance and errors of a mobile station.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Narin discloses a supplemental request header for applications or devices using web browsers.

Lioy et al. disclose notifying a mobile terminal device of a change in point of attachment to an IP internetwork to facilitate mobility.

Yanovsky discloses a protected communication method and system.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SH

A handwritten signature in black ink, appearing to read "Dang Ton". The signature is fluid and cursive, with a long horizontal stroke at the end.

DANG TON
PRIMARY EXAMINER